

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

RENARD T. POLK,

Case No. 3:21-cv-00099-LRH-CLB

Petitioner,

ORDER

v.

NEVADA
DEPARTMENT, et al.,

CORRECTIONS

Respondents.

Renard T. Polk filed what he has styled as a pro se petition for writ of habeas corpus under 28 U.S.C. § 2241 (ECF No. 1-1). His application to proceed in forma pauperis is granted. The court has conducted a preliminary review of the petition, and it is dismissed for various defects.

First, it is entirely unclear what relief Polk seeks. He claims, without elaboration, that he is being detained illegally in violation of the ban on double jeopardy, arbitrary government, unlawful bills of pains and penalties, and involuntary servitude and slavery (see, e.g., ECF No. 1-1, pp. 6-8). He states that he is currently being held due to “omissions committed in contempt of court ordered writs and unconditional legislation.” *Id.* at 1. His claims are delusional and frivolous and do not state claims for which federal habeas corpus relief may be granted. 28 U.S.C. § 2254(a) (This court may entertain a petition for writ of habeas corpus “in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the

1 Constitution or laws or treaties of the United States.”). He further complains that the
2 Nevada Department of Corrections has improperly impounded his personal property,
3 which is also not a claim cognizable in federal habeas corpus.

4 Finally, Polk is serving a term of life with the possibility of parole. To the extent
5 that he argues that the parole board improperly increased his risk assessment and
6 otherwise operated improperly, such claims also are noncognizable in habeas corpus
7 because success on such claims would not necessarily lead to speedier release. See
8 *Nettles v. Grounds*, 830 F.3d 922 (9th Cir. 2016). If Polk wishes to pursue a due
9 process claim regarding his parole proceedings, he must file a civil rights complaint
10 under 42 U.S.C. § 1983. *Id.*

11 Accordingly, the petition is dismissed for failure to state claims cognizable in
12 habeas corpus.

13 **IT IS THEREFORE ORDERED** that petitioner’s application to proceed in forma
14 pauperis (ECF No. 1) is **GRANTED**.

15 **IT IS FURTHER ORDERED** that the Clerk detach and file the petition (ECF No.
16 1-1).

17 **IT IS FURTHER ORDERED** that the petition is **DISMISSED** for failure to state
18 claims for which relief may be granted.

19 **IT IS FURTHER ORDERED** that a certificate of appealability is denied.

20 **IT IS FURTHER ORDERED** that the Clerk enter judgment accordingly and close
21 this case.

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23 DATED this 8th day of April, 2021.

24 
25 LARRY R. HICKS
26 UNITED STATES DISTRICT JUDGE
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